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In The

Supreme Court of the United States

October Term, 1996

Julia McCain Lampkin Asam, Ph.D.,J.D.

Petitioner

v.

James Hancock, Judge

Respondent

No. 7008 U.S. Court of Appeals, 11th Circuit

WRIT OF CERTIORARI FROM U.S. COURT OF APPEALS, ELEVENTH CIRCUIT

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42 pp

QUESTIONS PRESENTED

I. Whether the district court through the profound gross judicial error of Judge James Hancock violated the constitutional due process rights [both substantive and procedural] of Dr. Asam's 5th and 14th amendment constitutional rights under the U.S. Constitution when Judge Hancock deliberately and maliciously disbarred Dr. Asam prematurely in the spur of the moment in July 1996 without a hearing [Dr. Asam was in clerk's office and Judge Hancock did not ask for hearing] to prevent Dr. Asam from seeing and checking out [only lawyers can check out] her own case, Asam v. Owens et al., CV 96-N 0589-W so that Dr. Asam could write Appellate Brief for the case Asam v. Owens, and which Judge Edwin Nelson had wrongfully dismissed; also, Judge Hancock failed to write the Appellee Brief which should preclude Judge Hancock winning the case. [Judge Nelson was attempting to cover up that the Supreme Court of Alabama had evaporated official confidential files from their own record in case # 1940912, Asam v. Alabama State Bar, (26-page Answer evaporated from record) so Justice Jones pretended no Answer to deem admitted charges to justify affirming Asam v. Alabama State Bar.The Answer clearly stated denial of all charges against Asam by

Alabama State Bar. By Justice Jones deeming admitted charges against Asam, Jones affirmed the decision of Alabama State Bar to disbar Asam that was politically motivated to disbar Asam because Dr. Asam was the first woman circuit judge candidate in 1992 in Tuscaloosa County, Alabama.

II. Whether Asam raised the folliwng issues: [yes, except #4 was federal record, not state record].

(1) District court's failure to order a hearing before issuing an order of disbarment;

(2) Judicial immunity- 42 U.S.C § 1983 [No immunity since Judge Hancock violated the constitutional rights of Dr. Asam by disbarring Dr. Asam without a hearing on the spur of the moment so that she could not see or check an official file of CV 96-N-0589 W, Asam v. Owens which she needed to write the Appellant Brief. Judge Hancock acted deliberately and maliciously arbitrarily to prematurely disbar Dr. Asam from the federal court bar for no valid reason just because she appeared in the court to check out a case that was her own case in order to be able to properly write the Appellant brief. [Dr. Asam never has seen the official record of the Asam v. Owens case and had to write all briefs without the record. [Case # 97-96 now in the Supreme Court of the United

States.] The bottom line was that there was no valid reason to disbar Asam in the federal court since she had done nothing wrong and because the state disbarment was not final [wrongful disbarment because Asam ran as a woman circuit judge candidate] since appellate process was not complete at the time that Judge Hancock blocked Asam from seeing the record of Asam v. Owens in July 31, 1996.]

(3) Constitutionality of the local court rules; [U.S. Constitutional violations by Judge Hancock take prescedence over local rules of court when Dr. Asam's constitutional rights were clearly violated by Judge Hancock] and

(4) Intrinsic consideration of the state record. [Federal record CV 96-N-0589 W, Asam v. Owens not state record as stated in opinion in Appendix].

Abuse of discretion is not an issue below but was added by whoever wrote the opinion for the court in the Appendix since constitutional violations by Judge Hancock, and the writer is trying to hide this case by making the statement ["Do not publish" at the top of the opinion but not in opinion].

LIST OF PARTIES

The caption of the case contains the names of all parties.

STATEMENT REGARDING ORAL ARGUMENT AND REQUEST TO WRITE MERITS' BRIEF

Because of complexities, irregularities and numerous judicial errors made in the lower court, oral argument is requested so that the Honorable Justices can understand and ask questions.

The Appellant/Petitioner respectfully requests to write the Merits' Brief.

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Appendix A

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Affirmed.

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In the U.S. District Court, Northern District of Alabama, Order for second Notice of Appeal September 4, 1996, Judge James Hancock disbarred Dr. Asam before state case Asam v. Alabama State Bar appellate process was completed.

CITATIONS OF AUTHORITY

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Section 1983 Litigation. Claims, Defenses, Fees, M.A. Schartz, John E. Kirklin, John Wiley & Sons, 1986 on p. 101 20

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OPINIONS BELOW

The Petitioner incorporates all statements which are stated in the Appendix as Opinions Below into this Writ of Certiorari.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C Section 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution provides in pertinent part:

AMENDMENT V

No person shall... be deprived of life, liberty, or property, without due process of law;...

AMENDMENT XIV. SECTION I

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL STATUTES

42 U.S.C. Section 1983

"Every person who, under color of any statute, ordinance, regulation, custom, usage, or any State or Territory, subjects, or causes to be subjected, any citizen of

the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities accured by the Constitution and laws, shall be liable to the party inured in an action at law, suit in equity, or other proper proceeding for redress."

28 U.S.C. Section 1343(3)

"3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usuage, or any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

28 U.S.C. Section 2108

"The Supreme Court of any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree or order of court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

STATEMENT OF CASE

The instant case was created by Judge James Hancock, U.S. District Court, Northern District of Alabama, and Judge Hancock was not associated with case CV 96- N-0589-W, Asam v. Owens which Judge James Hancock deliberately and maliciously blocked Dr. Julia Lampkin Asam from seeing or checking out [have to be a lawyer] by Judge Hancock without a hearing on the spur of the moment disbarred Dr.Asam for no valid reason as if he [Judge Hancock] had joined the other judges and lawyers from the "machine" to disbar Dr. Asam since she was the first woman circuit judge candidate in 1992 in Tuscaloosa, Alabama; therefore, the motive to disbar Dr. Asam from the federal bar in Birmingham, Alabama, was prompted by political inuendos because in 1992, Dr. Asam was the Democratic nominee and received over 15,000 votes. Judge Hancock could have had a hearing before disbarring Dr. Asam since Dr. Asam after driving over 800 miles to reach Birmingham was sitting in the clerk's office waiting for the clerk of the court to see her about seeing and checking out the file to CV 96N-0589 W, Asam v. Owens so that Asam could write the Appellant Brief. Dr. Asam never had the opportunity to see the clerk of the court since a deputy clerk had taken the matter to Judge Hancock who acted arbitrarily to keep Dr. Asam from seeing the said file which most likely was hiding the truth about the Supreme

Court of Alabama removing illegally the Answer in case 1940912 to justify Justice Jones pretending the Answer was not present in the Asam v. Alabama State Bar, wrongful disbarment appeal and Justice Jones ruled affirmed.

See 97-96, Asam v. Owens et al. [Defendants are in case CV 96- N 0589 -W were John A. Owens, individually and officially as President, Alabama State Bar, and Alabama State Bar, James Anthony McLain, individually and officially as General Counsel, Alabama State Bar, and Alabama State Bar, Wanda D. Devereaux, individually and officially as Chairman of Disciplinary Board, Panel II, Alabama State
Bar, and Disciplinary Board, Panel II, Hon. P. Hooper, Chief Justice, Supreme Court of Alabama, and Supreme Court of Alabama, and Hon. Richard Jones, retired justice, Supreme Court of Alabama, Jeff Sessions, Attorney General, State of Alabama and State of Alabama and Defendants 1-30.]

See Midnight Sessions, Ltd., v. City of Philadelphia, 945 F. 2d 667, 683 (3rd Cir.) cert denied, 112 S. Ct. 1668 (1991), Bello v. Walker, 840 F. 2d 112 (3rd Cir.), cert denied, 488 U.S. 851 cert. denied, 488 U.S. 868 (1988); Marks v. City of Chesapeake, 883 F. 2d 308, 311 (4th Cir. 1989).

The point is Judge Hancock had no valid grounds to base his disbarment on the spur of the moment of Dr. Asam who only requested to see and check out the Asam v. Owens case which involved no clients when Asam needed the file to write the Appellant brief to said case, CV 96 N 0589 W, Asam v. Owens et al. Judge Hancock had no grounds for initiating the federal disbarment of Dr. Asam since the wrongful disbarment of Asam in Asam v. Alabama State Bar [1940912 in Supreme Court of Alabama] appellate review was not completed. The point is that Dr. Asam in Asam v. Owens was pro se.

The case, Asam v. Owens et at.CV 96 N -0589 -W was filed because of the violation of Dr. Asam's constitutional rights to a fair appellate review when Supreme Court of Alabama evaporated the answer in case 1940912, Asam v. Alabama State Bar, from the official confidential files from 1940912 disbarment appeal of Dr. Asam.

Hon. Judge Nelson ignored the actual facts in CV 86N-0589-W, case whereby someone illegally removed [inside job in the Supreme Court of Alabama] Asam's Answer [26-pages] from the official confidential record of the Supreme Court of Alabama in case 1940912,

Asam v. Alabama State Bar, when Hon. Justice R. Jones was STATING NO ANSWER, and citing law because no answer that the alleged charges by the Alabama State Bar were "deemed admitted.".

Justice Jones states on p. 13, of his Opinion in 1940912,

"The record reveals that Asam did not file an answer during the 28-day period following June 26, 1994, and [Emphasis is added - from p. 13 Opinion by Jones] and was impeached with duplicate copy sent to Asam from record as R-1, and was filed in court for Judge Nelson to see, and the Answer was entitled "Answer to Summons and five (5) complaints" and was filed July 20, 1994, and filed stamped by Alabama State Bar, and the answer was 26 pages with exhibits attached and the said Answer [26 pages] was laundered out of the official Supreme Court of Alabama record to justify alteration of the facts so that Dr. Asam's case Asam v. Alabama State Bar could be affirmed that Dr. Asam was mentally incompetent when Dr. Asam has never been mentally incompetent and the Supreme Court of Alabama was mutilating the record to pretend Dr. Asam was mentally incompetent motivated by political discrimination against a woman

running as a circuit judge candidate [See 95-1895 that was filed in this Honorable Supreme Court of the United States]. - Certainly, it is per se substantive due process violation to unlawfully remove official records from the highest court of the state, the Supreme Court of Alabama since confidential files is an inside removal by Court, as well as violation of Dr. Asam's procedural due process under the 5th and 14th amendments to the U.S. Constitution and such removal of documents were prompted by political, personal or discriminatory motives of lawyers and the general counsel, Robert Norris,
[now resigned] of the Alabama State Bar, proven by one of his own letters he was working with lawyers to put Dr. Asam out of business as a lawyer.

Violation of the State of Alabama through the Judicial department, the Supreme Court of Alabama and its agents, Honorable Justices and the Alabama State Bar agents especially Robert W. Norris, General Counsel, now resigned and Anthony McLain who failed to check out the truth of the fabrication by Robert Norris, and Wanda Devereaux, Chairman of Disciplinary

Board of the Alabama State Bar violated constitutional rights of Dr. Asam to have substantive due process and procedural due process triggers the civil rights violations under 42 U.S.C. § 1983. The Alabama State Bar cannot pretend Dr. Asam is mentally incompetent and mentally incapacitated and "crazy" without having medical expert M.D. to declare Dr. Asam mentally incompetent. The Alabama State Bar failed to have any M.D. medical expert to declare Dr. Asam mentally incompetent and the Alabama State Bar illegally took the property right of Dr. Asam to practice law by illegally disbarring Dr. Asam as mentally incompetent since she was the first woman to run as a circuit judge candidate in Tuscaloosa County in 1992, and the male lawyers through an organization known as the "machine" illegally had Dr. Asam assasinated as a lawyer by trumping up lies that Dr. Asam was mentally incompetent, and using two political cases Asam v. Harwood and Asam v. Vreeland to justify the political removal of Dr. Asam as a lawyer. In 1992, Asam was the Democratic nominee and Bernard

Harwood was the Republican nominee. Vreeland wrote a libelous letter and he mailed his letter to thousands of voters and Asam had a constitutional right to sue both Harwood and Vreeland, and the Alabama State Bar had no right to interfere.

Mr. Robert Norris, former general counsel, of the Alabama State Bar was not a M.D. Psychiatrist, and Norris had no medical expert to declare that Asam was mentally incompetent; therefore, Norris was practicing medicine without a license to disbar Asam as mentally incompetent when Norris was only a retired general running an illegal court martial like hearing supposed to be a Disciplinary Board hearing of the Alabama State Bar.

It was discovered General Counsel of the Alabama State Bar, Robert Norris was actively himself involved in illegally disbarring Dr. Asam prompted by political motivation since Norris used two political cases as a basis for fabricating trumped-up charges of alleged professional misconduct based on no probable cause when Norris wrote his five (5) formal complaints stating that Dr. Asam was incompetent and because she is incompetent this is misconduct for disbarment. In 1995, Norris conducted a trial Feb. 23,24, as prosecutor

for the Disciplinary Board where he had Dr. Asam guilty before the trial as mentally incompetent and Norris gave no notice of surprise sanity hearing, provided no appointed attorney for Asam, and failed to have an expert witness as a M.D. Psychiatrist.

The instant case is prompted by political motivation of evil-minded male lawyers who were either opposing lawyers and/or lawyers representing or supporting political campaigns including the fact Dr. Asam was the first woman to run as a circuit judge candidate in 1992 in Tuscaloosa County. The Answer states, "The respondent, lawyer, Julia McCain Lampkin Asam, Ph.D., J.D., denies each alleged violation of Code of Professional Responsibility as stated in each of the five (5) complaints trumped-up by the Alabama State Bar based on no probable cause and false statements from two political cases [Asam v. Harwood, and Asam v. Vreeland], opposing attorneys including Mr. David Ellis ..."] filed Alabama State Bar, July 20, 1994, and R-1 Disciplinary Hearing [in record Supreme Court of Alabama but someone(inside)Supreme Court of Alabama removed the answer ... **[MALIGNANT JUSTICE TO SURREPTITIOUSLY REMOVE Answer motivated by political inuendos.]**

before Justice Jones wrote his opinion and/or the Hon. Justice Richard Jones purposely ignored the record, and made the following statement citing Rule 12(e)(1) which states,

"If the respondent fails to answer, the charges shall be deemed admitted..:" and this illegal removal and mutilation of the record by the Supreme Court of Alabama is MALIGNANT JUSTICE and an example of "cover-up", fraud, deceit, and misrepresentation by the Supreme Court of Alabama to take the right of Dr. Asam to practice law in Alabama to justify an affirming of the case, Asam v. Alabama State Bar to pretend that Dr. Asam was mentally incompetent. The Bottom Line is the Quoting that the charges should be "deemed admitted" was not only gross judicial error but is GROSS VIOLATION OF THE CONSTITUTIONAL RIGHTS AS STATED ABOVE OF DR. ASAM which triggers in the violation of Dr. Asam's civil rights under the 5th and 14th amendments to the U.S. Constitution.

For the Supreme Court of Alabama to launder out a 26 page answer with cover sheet and an affidavit is clearly UnAMERICAN AND MALIGNANT JUSTICE.

There is no immunity for violation of the constitutional rights as stated in the facts of this instant case.

While Asam was waiting to see file in clerk's office of U.S. District Court, Northern District of Alabama she [Asam] informed a Ms. Harris after Harris had stated she could not check out case if lawyer disbarred, Asam responded that the final decision had not been made since appellate review of wrongful disbarment appeal was not completed; therefore, Court was on notice appellate review was not complete since Ms. Harris was the one who came back with an order from Judge Hancock disbarring Dr. Asam on the spur of the moment since all Asam was in the clerk's office was to see and check out case Asam v. Owens, CV 96- N-0589 W so that she could write the Appellant Brief.

Dr. Asam while in clerk's office asked to see the clerk of the court; Ms. Harris after going to see clerk told Asam to wait and clerk would see me [Asam].

So Asam sat down in clerk's office to wait. After about 45 minutes, Ms. Harris came out with an order from Judge Hancock, whom Dr. Asam has never seen, and Judge Hancock was not a judge in the case file requested, Asam v. Owens, CV 96 - N - 0589 - W and said case was so political that Judge Hancock was trying to block the proper writing of the Appellant brief, by disbarring Dr. Asam on the spur of the moment so that she could not see or check out the case file of Asam v. Owens.

Have to be a lawyer to check out a file and Dr. Asam had checked out many files of clients and her own cases before and Asam had always brought the court files back on time.

In fact the instant case was so "hot" politically that the Appellant briefs disappeared on the way to Atlanta when sent by Federal Express and a duplicate set of Appellant briefs had to be sent. Judge Hancock failed to defend and sent no Appellee brief.Asam believes she was not allowed to see the file of Asam v. Owens since the Court was trying to cover-up information in the file that Asam had never seen such as related to 94-177 alleged charge against Asam which she has never seen that was used to disbar her.

Dr. Asam's constitutional rights were violated all through the state and federal courts concerning her wrongful disbarment as seen in the following Supreme Court of United States cases:95-1895, 96-448, 96-478, 96-1626, 96-1634, 96-1635, and 97-96. These writs of certiorari were denied but these cases contain facts of this mushrooming corruption in the state and federal courts in the state of Alabama in an all out effort to deliberately violate Dr. Asam constitutional rights to due process [both substantive and procedural] under the 5th and 14th amendments to the U.S. Constitution, thus, triggering the violation of the civil rights of Dr. Asam.

The instant case is an example of corruption in the federal judicial system in Birmingham, Alabama as shown by Judge Hancock. This disbarring of Dr. Asam on the spur of the moment when all Asam was doing was waiting to see and check out the files to Asam v. Owens case CV 96 N - 0589 W is a clear example of MALIGNANT JUSTICE.

Another example of MALIGNANT JUSTICE is shown in the opinion of the U.S. Court of Appeals, 11th Circuit, when this appellate court is wrongfully protecting Judge Hancock in the U.S. District Court by the appellate court [U.S. Court of Appeals, 11th Circuit] changing the issues [see p. a-1 for issues] to abuse of discretion when the real issue is whether Judge Hancodk violated Dr. Asam's Constitutional rights to due process before disbarment on the spur of the moment to block Asam from obtaining files to write Appellant brief to Asam v. Owens, CV 96-N -0589 W.

The spur of the moment and arbitrary decision by Judge Hancock disbarring Dr. Asam while she was waiting to see the clerk of court to check out files to write an appellant brief is clearly a violation of constitutional rights of Asam since Judge Hancock had no hearing and Judge Hancock had to know Asam was in building in order to write a fast order and have the order delivered by Ms. Harris so that Judge

Hancock blocked Asam obtaining official record to Asam v. Owens to write Appellant brief. Assm had to write Appellant brief with no use of the record of Asam v. Owens.

Dr. Asam did respond to order by Judge Hancock and she did make a substantive response and filed a copy with case Asam v. Owens in CV 96- N- 0589 W which Judge Nelson denied. Asam sent a copy to Judge Hancock and filed a copy in the U.S. Court of Appeals, 11th Circuit.

Judge Hancock wrote another order pretending like not a response to his first order when said response was also filed in U.S. District Court, Northern District of Alabama. Therefore, the U.S. Court of Appeals, 11th Circuit made a false statement pretending no substantive reponse to Judge Hancock's order to show cause which was only a delaying tactic of Judge Hancock to disbar Asam on spur of moment so that she would have the use of official record in case Asam v. Owens, CV 96-N 0589 W. Now the Asam v. Owens case is 97-96 in Supreme Court of United States, and Asam has never been allowed to see the official record of Asam v. Owens.

Clearly, this episode at the U.S. District Court, Northern District of Alabama on July 31, 1996 is an example of **MALIGNANT JUSTICE** in the federal judicial system to block Dr. Asam from seeing and checking out the official files to Asam v. Owens, CV 96-N-0589 W.

See 97-96 in Supreme Court of United States now in the Supreme Court of United States about MALIGNANT JUSTICE in state and federal courts in State of Alabama.

II. PROCEEDINGS OF COURTS BELOW.

The U.S. Court of Appeals, 11th Circuit affirmed the instant case that was precipitated in the U.S. District Court, Northern District of Alabama since Judge James Hancock, who had nothing to do with case CV 96-N-0589-W Asam v. Owens et al, wrote his first order in Appendix B. The U.S. Court of Appeals, 11th Circuit opinion is in Appendix A and the U.S. Court of Appeals failed to address the fact that James Hancock had violated Dr. Asam's constitutional rights to due process with no hearing when she was sitting in the Clerk's office waiting for the clerk since a deputy clerk had asked her to sit and wait for the clerk who never came. Dr. Asam was at the U.S. District Court in Birmingham on July 31, 1996 trying to obtain the record to case CV 96-N-0589 W so that she could write the Appellant brief. See Appendix B that Judge Hancock disbarred Dr. Asam on the spur of the moment so that Dr. Asam was not allowed to see or check out the file when Judge Hancock had no valid reason to disbar Asam who had done nothing wrong as a lawyer in the federal court and in the state court

Asam was wrongfully disbarred due to political inuendos because she was a woman running [Political inuendos were paramount.] as a circuit judge candidate as the first woman to run for circuit judge in 1992 in Tuscaloosa County, Alabama. A Notice of Appeal was timely filed and the first appeal was treated as a Motion for reconsideration but was not ruled on until after the Reply brief and was denied.

Dr. Asam filed a second appeal in the instant case on September 30, 1996 [filed in court on October 1, 1996] because Judge James Hancock wrote the September 4, 1996 [see Appendix C] order and also attached a propagandized article written by an anonymous person for the Alabama State Bar and the said article had many false statements. Judge Hancock was not right in disbarring Dr. Asam based on hearsay before the appellate process was not completed until November 18, 1996. Judge Hancock had actual or constructive notice that the Asam v. Alabama State Bar case [1940912] in which the Supreme Court of Alabama stole from the record the answer [inside job] so that Justice Jones pretended the Answer [26 pages was not in record to justify deeming admitting the alleged charges against Dr. Asam and trying to justify the affirming of the said Asam v. Alabama State

bar case [1940912] shich was not completed until the Honorable Court ruled on 95-1895 on September 18, 1996 at the Supreme Court of the United States.

The bottom line is Judge James Hancock was covering-up for the judicial crime by the Supreme Court of Alabama stealing the Asam answer in [1940912] which is the subject of the case CV 96 N 0589 W Asam v. Owens et al. in the U.S. District Court, Northern District of Alabama and is now case 97-96 in the Supreme Court of the United States.

REASONS FOR GRANTING WRIT OF CERTIORARI

QUESTIONS PRESENTED I and II (1)

Dr. Asam was blocked from seeing the official record from the U.S. District Court, Northern District of Alabama which was precipitated by Judge James Hancock, who was not a judge in case 96-N-0589 W, ruling that Dr. Julia M.L. Asam was disbarred so that she could not look at or check out the record on appeal of Asam v. Owens et al. and a violation of her due process rights by the Court when she needed to see the record to write the Appellant brief.

On violations of due process by defendant see Jones v. Alabama State Docks, 443 So. 2d 902 at 903(Ala. 1983) which states, "Due process clause of State Constitution secures every citizen against arbitrary action of those in authority and places him or her within protection of law of the land. Const. § 13.

See Velger v. Cawley, 525 F. 2d 334 (2nd Cir. 1975) on due process.

After driving 800 miles, Dr. Asam was in the clerk's office of the U.S. District Court, Northern District of Alabama, on July 31, 1996 attempting to check out the Asam v.

Owens record to write the Appellant Brief. Mr. Harris, a deputy clerk, asked Dr. Asam to wait that the clerk would speak with her instead Harris later returned with first order from Judge Hancock who maliciously and deliberately was preventing Dr. Asam from seeing and checking out the record of case Asam v. Owens et al. CV 96-N-0589 W which is 96-6596 in the U.S. Court of Appeals, 11th Circuit.

Dr. Asam had an absolute right to see the record to her own case and Judge Hancock failed to ask Dr. Asam to be present in any hearing when she was in building and disbarred her for no valid reason since Dr. Asam had informed the deputy clerk Ms. Harris, that the state disbarment was not final at that time. In fact, the state disbarment was not ruled on as a denial of rehearing by the Supreme Court of the United States until November 18, 1996, case no. 95-1895, Asam v. Alabama State Bar.

Norris said February 28,1995, stated in the Tuscaloosa News referring to Asam, "She is not disbarred until ... the appeal is finally decided."

See Monell v. New York City Dept. of Soc. Serv. 436 U.S. 68, 56 L. Ed 2d 611, 98 S Ct 2018, which states, Civil rights § 12.5 -- liability for violations--

State law immunities 11a, 11b. State law immunities do not override a cause of action under 42 U.S.C. § 1983 which imposes civil liability on any person who deprives another of his federally protected rights." The U.S. Court of Appeals, 11th Circuit, failed to rule according to the law in Monell, supra.

See DeStafney v. University of Alabama 413 So. 2d 391 (Ala. 1981) at 396, which states,

"We find that no valid public policy will be served by immunizing from liability a public employee whose tortious conduct results in personal injury to another."

See Federal statute 42 U.S.C. § 1983 quoted above.

See book Section 1983 Litigation, Claims, Defenses, Fees, M.A. Schwartz, John E. Kirklin, John Wiley & Sons, 1986, on p. 101, states, "§5.9 Tests to Determine State Action -- In General... The Court did state that to find state action, two general requirements must be fulfilled. First, "the deprivation must be caused by the exercise of some right or privilege created by the state or by a person for whom the state is responsible. [See Lugar v. Edmondson Oil Co., 457 U.S. 922, 937, (1982).] Second, the defendant "must fairly be said

to be a state actor. [See Lugar case'] See Monroe v. Pape, 365 U.S. 167, 172 (1961) "The Two principles "collapse into each other when the claim of a constitutional deprivation is directed against a party whose official character is such as to lend the weight of the state to his decisions."

MALIGNANT JUSTICE AND CONVOLUTED JUSTICE SHOULD NOT BE TOLERATED IN A DEMOCRATIC SOCIETY.

SELECTIVE JUSTICE WHETHER A MALE OR FEMALE OR ANY OTHER TYPE OF MINORITY should cease and SPECIAL INTEREST GROUPS should not be allowed to finance judge's political campaigns by giving such large amounts of money that the judge ignores the true facts in a case or surreptitiously has the evidence to evaporate as Justices of the Supreme Court of Alabama in Asam v.Alabama State Bar did and the illegal removal of Dr. Asam's Answer [26 pages] is the subject of CV 96N-0589-W since **Supreme Court of Alabama abused their judicial power by "deeming admitted" alleged fabricated charges against Dr. Asam that she was mentallly incompetent [not declared mentally incompetent by M.D. psychiatrist] so as to affirm the Asam v. Alabama State Bar case 1940912 to protect image of the Alabama State Bar.** THE FACTS PRESENTED ABOVE ARE INCORPORATED INTO THIS REASONS FOR GRANTING CERTIORARI AS IF RE-WRITTEN AND ANY PREVIOUS LAW CITED ABOVE IS INCORPORATED INTO THIS SECTION.

QUESTION PRESENTED II (2) No Immunity

Judge Hancock clearly violated due process of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution thus triggering the 42 U.S.A. § 1983 civil rights claims. See Bator v. State of Hawaii, 30 F. 3d 1021, and Wicks v. Miss. State Employment Serv. 41 F. 3d 991 and held that to overcome qualified immunity defense, civil rights complaint must allege facts that, if proven would demostrate that individual defendant violated clearly, established statutory or constitutional rights. 42 U.S.C.A. § 1983.

THERE IS NO IMMUNITY FOR Judge Hancock IN THE INSTANT CASE I.E. NO ABSOLUTE IMMUNITY, NO QUALIFIED IMMUNITY AND NO SOVEREIGN IMMUNITY BECAUSE DEFENDANT has VIOLATED THE CONSTITUTIONAL RIGHTS OF DR. ASAM AS STATED ABOVE IN THE FACTS.

See Lesiter v. Alabama A&M University, 28 F. 3d 1146 (11th Cir. 1994), which held that constitutional violations of due process is an exception to immunity alleged by state officials.

See DeStafney v. University of Alabama, 413 So. 2d 391 (Ala. 1981), at 395 which states,

"Section 14 does not necessarily immunize State officials or agents from individual civil liability."

See Paxman v. Campbell, 612 F. 2d 848 (4th Cir. 1989) which held that there is no immunity for an official "if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the (person) affected..." See Meeker v. Addison, 586 F. Supp. 216 (1983) which held an individual officer may be held liable for damages for conduct that has deprived a person of his constitutional rights.

There is no qualified immunity for defendant in the instant case because Dr. Asam had a right to due process.

The MALIGNANT JUSTICE OF STATE AND FEDERAL COURTS SHOULD BE INVESTIGATED BY THE U.S. CONGRESS BECAUSE OF THE ENORMOUS AMOUNT OF MONEY FROM SPECIAL INTEREST GROUPS LAWYERS PAYING FOR THE CAMPAIGNS OF JUDGES WHO IGNORE THE LAW WHEN RECEIVING LARGE MONEY CONTRIBUTIONS. Asam campaigned to put the justice back into the justice system, and Asam inadvertently stepped on someone's ego belonging to the "machine" who ganged up as male lawyers with Norris from the Alabama State Bar to have Dr. Asam disbarred by the Alabama State Bar pretending Dr. Asam was mentally incompetent to assassinate her as a woman lawyer because she [Asam] ran as a

woman circuit judge candidate in Tuscaloosa County in 1992 and 1994.

QUESTION PRESENTED II (3)

LOCAL RULE UNCONSTITUTIONAL

The local rule [LR83.1(h)(3)(C). cited by Judge Hancock in his two orders is void in the instant case since Dr. Asam's constitutional rights were violated by Judge Hancock who intentionally was blocking Dr. Asam receiving the record to CV 96 N 0589 W and Dr. Asam had to write the Appellant brief to said case without seeing or receiving the record because of the profound outrageous ruling by Judge Hancock to **COVER-UP** for the contents in the said case CV 96-N-o589 W about the Supreme Court of Alabama stealing from their own confidential file 1940912 [Asam v. Alabama State Bar] the 26 page answer so that the alleged charges against Dr. Asam could be deemed admitted by law and the Supreme Court of Alabama could rule affirmed. **This kind of foul ruling is clearly an example of MALIGNANT JUSTICE IN BOTH THE STATE AND FEDERAL COURTS OF ALABAMA.**

See Standard Oil Co. v. Graves. Wash. 1919, 49 S Ct 320, 269 U.S. 389, 63 L. Ed 662, which states,

"While the Supreme court follows the decision of the highest state court as to the meaning of a state statute which asserted to

violate the Federal Constitution, the name given to the statute is not conclusive, and it must be judged by its necessary effect, and if that is to violate the Constitution of the United States the law must be declared void. (Emphasis added.)

QUESTION PRESENTED II (4)
FEDERAL AND NOT STATE
CONSTITUTIONAL VIOLATIONS AGAINST
Dr. Asam (see I and II (1)
above for law.

CONCLUSION

For above reasons Writ of Certiorari should be granted.

9/16/97
Date

Julia Asam
Julia Asam, Ph.D., J.D.
Attorney At Law, Pro Se
P.O. Box 591
Northport, Alabama 35476

APPENDIX A

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
No. 96-7008
Non-Argument Calendar

Julia McCain Lampkin Asam, Ph.D.,J.D.
Petitioner,

v.

James Hancock, Judge
Respondent

Appeal from the United States District Court
for the Northern District of Alabama

Before TJOFLAT, EDMONDSON and COX,
Circuit Judges.

Filed June 20, 1997

PER CURIAM:

Julia McCain Lampkin Asam, who has been already disbarred by the State of Alabama, [Appellate process was not complete at time of disbarring on the spur of the moment in July 1996, to prevent Dr. Asam seeing or checking out the official record to Asam v. Owens, et al.(CV 96-N-0589 W) which she never saw and she needed the record to write the Appellant brief to the federal case above and had to write the Appellate brief to CV 96-N 0589 W without the record because of Judge Hancock premature disbarring Asam in the federal court to prevent her seeing or checking out the said record of CV 96-N-0589

W.] appeals the district court's Order of Disbarment form the district court's bar. She raises these issues:

(1) District court's failure to order a hearing before issuing an order of disbarment; [Judge Hancock knew Dr. Asam was in clerk's office and could have asked her for a hearing]. (2) Judicial immunity - 42 U.S.C. § 1983; [No immunity when Judge Hancock ignored constitutional rights of Dr. Asam to a hearing to remove her rights to practice law for no valid reason in federal court],

(3) Constitutionality of the local court rules; [U.S. constitutional rights take precedence over local rules, and clearly, Judge Hancock by ruling Dr. Asam was disbarred just to block her in seeing and checking out her own case, Asam v. Owens, was a violation of Dr. Asam's due process rights, both substantive, and procedural],

(4) intrinsic consideration of the state record. [Not state record but federal record CV 96-N-0589-W, Asam v. Owens].

Asam's contentions are meritless. [False, Appellee brief was not written in instant case, and Asam was not allowed to see case Asam v. Owens, CV 96-N-0589-W in July 1996, and Dr. Asam had to write the Appellant brief which the U.S. Court of Appeals, 11th Circuit, also affirmed and the said Asam v. Owens case is now 97-96 in the Supreme Court

of the United States.] We observe that Asam made no substantial reply[False ,Judge Hancock failed to defend] to the district court's show cause order which is not the issue in instant case but whether Judge Hancock committed gross error in violating Dr. Asam's constitutional rights as stated above]. We cannot say that the district court has abused its discretion. [Abuse of discretion was not an issue in instant case but whether constitutional violations by Judge triggered civil rights violations against Dr. Asam].

AFFIRMED.

June 20, 1997.

APPENDIX B

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ALABAMA

IN THE MATTER OF

JULIA McCAIN LAMPKIN ASAM

ORDER AND NOTICE TO SHOW CAUSE

It having been made to appear that Julia McCain Lampkin Asam, a member of the bar of this court, has been disbarred from the practice of law in the State of Alabama by order of the Alabama Supreme Court based upon action of the Disciplinary Board of the Alabama State Bar, effective March 28, 1996, now therefore, pursuant to Local Rule LR 83.1(h)(3). it is hereby ORDERED THAT:

1. Julia McCain Lampkin Asam is hereby suspended from the bar of the United States District Court for the Northern District of Alabama, such suspension to be effective immediately and to continue until further order of this court. [The judge disbarred Asam on the spur of the moment when she was at the time of his writing this order sitting in the clerk's office waiting on the clerk so that she could check out the record to CV 96-N-0589 W to write the Appellant brief, and the Judge Hancock was disbarring Asam to prevent Asam from checking out said case because had to be lawyer to check out and case was a pro se case and Judge Hancock had no hearing to disbar Asam].

2. A copy of this Order shall be mailed to Julia McCain Lampkin Asam by the Clerk of Court, [was hand-delivered to Asam by Harris] and the said Julia McCain Lampkin Asam is directed within (20) days after service of that order to show cause to this court in writing why, for any of the grounds set forth as Local Rule LR 83.1(h)(3)(C), the imposition of appropriate disciplinary action as stated therein would be unwarranted. [Judge Hancock did deliberately and maliciously disbar Dr. Asam so she could not check out the case CV

96N- 0589 W to cover-up that the Supreme Court of Alabmam stole Dr. Asam's Answer from the state wrongful disbarment case 1940912, Asam v. Alabama State Bar].

DONE this 31st day of July, 1996.

s/ James H. Hancock
United States District Judge

July 31, 1996

APPENDIX C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
IN THE MATTER OF
JULIA McCAIN LAMPKIN ASAM

ORDER OF DISBARMENT

On July 31, 1996 the court gave notice to Julia McCain Lampkin Asam to show cause, if any, within twnety day why this court should not enter an order of disbarment. On August 29, 1996, Asam filed a notice of appeal from the show cause order. [See Appendix B above and note also suspension from bar of federal court and no hearing and Asam did file a response as well as giving a copy to Judge Hancock who ignored Asam's response] The court has reviewed the notice of appeal and material attached thereto and does not view it as setting forth sufficient cause under Local Rule 83.1(h)(3)(C) as required by the July 31, 1996 order. [Separate response was sent to

Judge Hancock on August 5, 1996 which was not mentioned by Judge Hancock and was filed in court]. No other response or submission has been made by Asam to the earlier order but the court has been made aware of some of the grounds for the action by the Alabama Supreme Court by way of the attached "DISCIPLINARY NOTICE" published in the July 1996 The Alabama Lawyer published by the Alabama State Bar [contained false, defamatory and out right hearsay].

Accordingly, it is ORDERED that Julia McCain Lampkin Asam be and she hereby is DISBARRED from the practice of law in the United States District Court for the Northern District of Alabama. [Asam was not attempting to practice law on July 31, 1996, but to see and obtain the record to CV 96-N 0589 W to write her pro se Appellant brief.]

DONE THIS 4th day of September, 1996.

s/ James H. Hancock
Senior Judge

September 4, 1996.

Notice of Appeal was timely filed on September 30, 1996, and entered on October 1, 1996.

I HEREBY
of the Writ of
U.S. District
Ave. N., Birmi
1997,

CERTIFICATE OF SERVICE

CERTIFY that a true and accurate copy
Certiorari was sent to James Hancock, Judge,
Court, Northern District of Alabama, 1729 5th
ngham, Alabama 35203 this 16 day of September

Julia Aaron